

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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**THIRTY-EIGHTH LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 17, 2016**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 67 members present.  
Absent – Gannon, Nielsen, Wills. Total – 3.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Olivia Thomas, Page.

### **3RD ORDER**

#### **Approval of Journal**

February 17, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-seventh Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

### **4TH ORDER**

#### **Consideration of Messages from the Governor and the Senate**

February 16, 2016

Mr. Speaker:

I transmit herewith [SCR 137](#), [SCR 138](#), and [SCR 136](#) which have passed the Senate.

NOVAK, Secretary

[SCR 137](#), [SCR 138](#), and [SCR 136](#) were filed for first reading.

### **5TH ORDER**

#### **Report of Standing Committees**

February 17, 2016

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 39](#), [HCR 40](#), [HCR 41](#), [H 497](#), [H 498](#), [H 499](#), [H 500](#), [H 501](#), [H 502](#), [H 503](#), [H 504](#), [H 505](#), [H 506](#), [H 507](#), [H 508](#), [H 509](#), [H 510](#), [H 511](#), [H 512](#), and [H 513](#).

WILLS, Chairman

[HCR 39](#), [HCR 40](#), [H 502](#), [H 503](#), [H 504](#), [H 505](#), [H 506](#), [H 507](#), and [H 508](#) were referred to the Judiciary, Rules, and Administration Committee.

[HCR 41](#), [H 497](#), and [H 512](#) were referred to the State Affairs Committee.

[H 498](#) and [H 500](#) were referred to the Health and Welfare Committee.

[H 499](#) was referred to the Agricultural Affairs Committee.

[H 501](#) was referred to the Commerce and Human Resources Committee.

[H 509](#) and [H 510](#) were referred to the Resources and Conservation Committee.

[H 511](#) was referred to the Business Committee.

[H 513](#) was referred to the Transportation and Defense Committee.

February 16, 2016

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 476](#) and recommend that it do pass.

DEMORDAUNT, Chairman

[H 476](#) was filed for second reading.

February 16, 2016

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 455](#) and [H 456](#) and recommend that they do pass.

ANDRUS, Chairman

[H 455](#) and [H 456](#) were filed for second reading.

February 16, 2016

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [H 454](#) and recommend that it do pass.

THOMPSON, Chairman

[H 454](#) was filed for second reading.

February 16, 2016

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 444](#), [H 457](#), [H 471](#), [H 472](#), and [S 1229](#) and recommend that they do pass.

PALMER, Chairman

[H 444](#), [H 457](#), [H 471](#), [H 472](#), and [S 1229](#) were filed for second reading.

February 17, 2016

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [HCR 38](#) and recommend that it do pass.

LOERTSCHER, Chairman

[HCR 38](#) was filed for second reading.

[H 466](#), held at the Desk February 12, 2016, was referred to the Ways and Means Committee.

[H 467](#), held at the Desk February 12, 2016, was referred to the Revenue and Taxation Committee.

There being no objection, the House advanced to the Seventh Order of Business.

#### 7TH ORDER

##### Motions, Memorials, and Resolutions

[SCR 137](#), [SCR 138](#), and [SCR 136](#), by Resources and Environment Committee, were introduced, read the first time by title, and referred to the Resources and Conservation Committee.

#### 8TH ORDER

##### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 514

##### BY EDUCATION COMMITTEE

###### AN ACT

RELATING TO EDUCATION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 58, TITLE 33, IDAHO CODE, TO PROVIDE THE IDAHO SCHOOL SAFETY AND SECURITY ACT, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE A TERM, TO PROVIDE THE OFFICE OF SCHOOL SAFETY AND SECURITY, TO PROVIDE THE IDAHO SCHOOL SAFETY AND SECURITY ADVISORY BOARD AND TO PROVIDE POWERS AND DUTIES OF THE IDAHO SCHOOL SAFETY AND SECURITY ADVISORY BOARD; AND AMENDING SECTION 67-2601A, IDAHO CODE, TO PROVIDE A CODE REFERENCE.

#### HOUSE BILL NO. 515

##### BY EDUCATION COMMITTEE

###### AN ACT

RELATING TO PROFESSIONAL PERSONNEL OF SCHOOL DISTRICTS; AMENDING SECTION 33-513, IDAHO CODE, TO PROVIDE FOR FORMAL WRITTEN PERFORMANCE EVALUATIONS, TO PROVIDE WHEN A SCHOOL DISTRICT SHALL BE EXCUSED FROM CONDUCTING FORMAL WRITTEN PERFORMANCE EVALUATIONS, TO PROVIDE FOR WRITTEN EVALUATIONS OF PRINCIPALS AND ASSISTANT SUPERINTENDENTS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-514, IDAHO CODE, TO MAKE A DATE CHANGE AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 33-515, IDAHO CODE, TO MAKE A DATE CHANGE AND TO MAKE TECHNICAL CORRECTIONS.

#### HOUSE BILL NO. 516

##### BY STATE AFFAIRS COMMITTEE

###### AN ACT

RELATING TO ABORTION; AMENDING SECTION 18-609, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE SHALL COMPILE A LIST OF PROVIDERS THAT PERFORM FREE ULTRASOUNDS, TO PROVIDE THAT THE DEPARTMENT SHALL STATE THAT A PATIENT HAS THE RIGHT TO OBTAIN A FREE ULTRASOUND, VIEW AN ULTRASOUND IMAGE AND HEAR HEART TONE MONITORING, TO PROVIDE THAT NO ABORTION SHALL BE PERFORMED UNLESS THE WOMAN IS INFORMED THAT ULTRASOUND IMAGING AND HEART

TONE MONITORING ARE AVAILABLE AND TO MAKE A TECHNICAL CORRECTION.

#### HOUSE BILL NO. 517

##### BY STATE AFFAIRS COMMITTEE

###### AN ACT

RELATING TO GAMING; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 92, TITLE 67, IDAHO CODE, TO CREATE THE IDAHO GAMING AGENCY, TO DEFINE TERMS, TO CREATE THE IDAHO GAMING AGENCY COMMISSION, TO PROVIDE FOR APPOINTMENT, TERMS AND REMOVAL OF MEMBERS, TO PROVIDE FOR POWERS AND DUTIES OF THE COMMISSION, TO PROVIDE FOR APPOINTMENT OF A DIRECTOR, TO PROVIDE POWERS AND DUTIES OF THE DIRECTOR, TO PROVIDE FOR CONFLICT OF INTEREST AND TO PROVIDE FOR A DUTY TO REVIEW GAMING DEVICES IN OPERATION IN THE STATE; AMENDING SECTION 67-7409, IDAHO CODE, TO REMOVE THE LOTTERY COMMISSION AND ITS DIRECTOR'S AUTHORITY FOR MONITORING CLASS III GAMING ON INDIAN RESERVATIONS; AND DECLARING AN EMERGENCY.

[H 514](#), [H 515](#), [H 516](#), and [H 517](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

#### 10TH ORDER

##### Second Reading of Bills and Joint Resolutions

[H 452](#), by Education Committee, was read the second time by title and filed for third reading.

[H 439](#) and [H 461](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

[H 463](#), by Business Committee, was read the second time by title and filed for third reading.

#### 11TH ORDER

##### Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [H 486](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [H 451](#) retain its place on the Third Reading Calendar until Wednesday, February 24, 2016. There being no objection, it was so ordered.

#### [H 447](#) - PUBLIC RECORDS

[H 447](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cheatham to open debate.

The question being, "Shall [H 447](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gestrin, Gibbs, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher,

Luker, Malek, McCrostie, McDonald, McMillan, Miller, Monks, Moyle, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 63.

NAYS – Harris, Mendive, Nate, Scott. Total – 4.

Absent – Gannon, Nielsen, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 447](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 441](#) - COSMETICIANS

[H 441](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Smith to open debate.

The question being, "Shall [H 441](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, Mendive, Miller, Monks, Moyle, Nate, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 64.

NAYS – Cheatham, McMillan, Sims. Total – 3.

Absent – Gannon, Nielsen, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 441](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [HJM 13](#) - SAGE-GROUSE

[HJM 13](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gibbs to open debate.

The question being, "Shall [HJM 13](#) be adopted?"

Whereupon the Speaker declared [HJM 13](#) adopted by voice vote and ordered the memorial transmitted to the Senate.

#### [HCR 33](#) - EDUCATION

[HCR 33](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Horman to open debate.

The question being, "Shall [HCR 33](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon,

Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – Gannon, Nielsen, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared [HCR 33](#) adopted and ordered the resolution transmitted to the Senate.

#### [H 449](#) - SALES TAX

[H 449](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Trujillo to open debate.

The question being, "Shall [H 449](#) pass?"

Roll call resulted as follows:

AYES – Anderst, Andrus, Bateman, Beyeler, Burtenshaw, Chaney, Clow, Collins, Crane, Dayley, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, Loertscher, Luker, McCrostie, McDonald, Miller, Moyle, Nye, Pence, Perry, Raybould, Redman, Rudolph, Shepherd, Smith, Thompson, Trujillo, Vander Woude, Mr. Speaker. Total – 35.

NAYS – Anderson, Barbieri, Batt, Bell, Boyle, Cheatham, Chew, DeMordaunt, Dixon, Erpelding, Gestrin, Gibbs, Harris, King, Kloc, Malek, McMillan, Mendive, Monks, Nate, Packer, Palmer, Romrell, Rubel, Scott, Sims, Troy, VanOrden, Wintrow, Wood, Youngblood. Total – 31.

Absent – Gannon, Nielsen, Rusche, Wills. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 449](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 474](#) - TAXING DISTRICT BUDGETS

[H 474](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall [H 474](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gestrin, Gibbs, Harris, Hartgen(Hartgen), Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 67.

NAYS – None.

Absent – Gannon, Nielsen, Wills. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 474](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Fifteenth Order of Business.

**15TH ORDER**  
**Announcements**

Announcements were made to the body.

**16TH ORDER**  
**Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, February 18, 2016. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:06 p.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk